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#11992

AGREEMENT

Made this 28<sup>th</sup> day of May 1998, by and between John S. Park & Ann O. Park, t/a Tony's Carryout, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC)

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 1418 Pennsylvania Ave SE, ABC Application #11992, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issuance of a Retailers' Class "B" Liquor License at the subject premises; and,

WHEREAS, the parties agree that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of all single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately 60% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment;
  - b. posting a sign inside requesting customers not to contribute to panhandlers;
  - c. asking loiterers to move on whenever they are observed outside the establishment;
  - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on;
  - e. keeping a written record of dates and times when the MPD is called for assistance; and
  - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment;
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis.
  - b. sweeping the outside of the establishment on a daily basis.
3. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales within 90 days of signing this agreement.
4. In consideration of, and reliance upon, the commitments reflected in paragraph 1-3, the ANC will not oppose the applicant's pending license application.
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: John S. [Signature]

By: Skylar L. Hill  
AC Wells

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of :**

John S. & Ann O. Park  
t/a Tony's Carryout

Application for a Retailer's Class  
B License – renewal

1418 Pennsylvania Avenue, S.E.  
Washington, D.C.

Case no. 11992-98046P

**Gottlieb Simon, Executive Director, on behalf of Advisory Neighborhood Commission 6B,  
Protestant**

**John S. & Ann O. Park, Applicant**

**BEFORE: Roderic L. Woodson, Esquire, Chair  
Vera Abbott, Member  
Ellen Oppen-Weiner, Esquire, Member  
Audrey E. Thompson, Member**

**ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT**

The matter, having been protested, came before the Board for public hearing on June 10, 1998, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Gottlieb Simon, Executive Director, on behalf of the Advisory Neighborhood Commission 6B, filed a protest letter dated May 26, 1998.

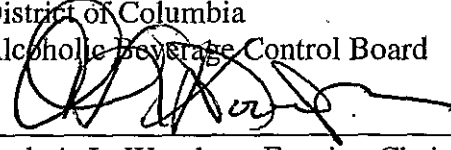
The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated May 28, 1998, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

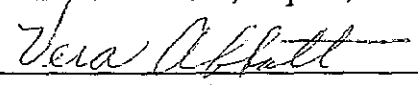
John S. & Ann O. Park  
t/a Tony's Carryout  
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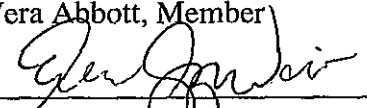
Accordingly, it is this 28<sup>th</sup> day of June 2000, **ORDERED** that:

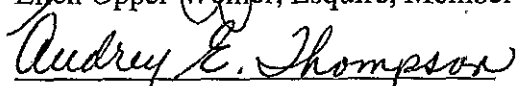
1. The opposition of Gottlieb Simon, Executive Director, on behalf of the Advisory Neighborhood Commission 6B, be, and the same hereby, is **WITHDRAWN**;
2. The application of John S. & Ann O. Park t/a Tony's Carryout for a retailer's class B license (renewal), located at 1418 Pennsylvania Avenue, S.E., Washington, D.C., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia  
Alcoholic Beverage Control Board

  
Roderic L. Woodson, Esquire, Chair

  
Vera Abbott, Member

  
Ellen Oppenheimer, Esquire, Member

  
Audrey E. Thompson, Member

2002-4-2004

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AGREEMENT

Made this 25 day of January, 2002 by and between John S. and Anna O. Park, t/a Tony's Carry Out, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 1418 Pennsylvania Ave., SE, ABC Application #11992, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and, the Applicant declares ending the sale of single containers of beer of 40 ounces or less will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

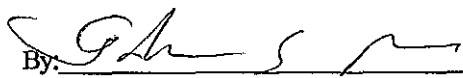
1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
  - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
  - c. asking loiterers to move on whenever they are observed outside the establishment; and,
  - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on; and,
  - e. keeping a written record of dates and times when the MPD is called for assistance; and,
  - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.

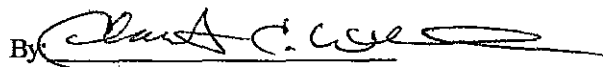
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
  - b. sweeping the outside of the establishment on a daily basis, or more often if needed.
3. Applicant will not sell or provide cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") [pint and half-pint containers of liquor - for Class A licenses] only in clear or translucent plastic bags.
7. Applicant will only sell containers of singles with a sandwich or equivalent food sale [for deli's and sandwich shops].
8. Applicant will sell goods, which reflect the community's needs - including but not limited to grocery products, fresh foods, dairy products and household products. Applicant will de-emphasize alcoholic beverages, tobacco products, sweets and snacks.
9. Applicant agrees to stop the sale of singles when all other establishments within a [X] block radius agree to the same.
10. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
11. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By:   
John S. Park

By:   
Charles C. White